



COUNCIL MINUTES

September 22, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 22, 2008 at 5:49 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Debbie Spinner
Linda Crocker

Invocation by Reverend Paul Whitlock, Desert Heritage Church.

Pledge of Allegiance was led by Boy Scout Robert Upchurch, Troop #996.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith announced that a citizen has requested that item 9d be removed from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the consent agenda items, with the exception of item 9d, be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the September 8, 2008 Council and Enterprise Zone Commission meetings.

3. Discuss, take public comment and take action on the following Major General Plan Amendment and zoning case:

3a. Public hearing for Major General Plan Amendment **GPMajor08-01 (District 6)**.

Mayor Smith announced that this is the time and place for a public hearing regarding Major General Plan Amendment GPMajor08-01.

Cathleen A. Hebert, 4177 South Cordia Court, Gold Canyon, a real estate agent specializing in relocation, expressed support and noted that the DMB project is estimated to increase employment at her firm from two to twenty employees in the next five years.

Charlie Deaton, 120 North Center, representing the Mesa Chamber of Commerce, noted that in addition to supporting the project, the Chamber is supportive of the changes to the General Plan process that enables greater flexibility for development. He thanked the Council and City staff for implementing these changes.

Ken Rembold, 15230 North 75th Street, Suite 1010, Scottsdale, the owner of property on Ellsworth Road directly across from the DMB project, spoke in favor of the General Plan Amendment.

Kathleen Donahoe, 5123 East McDonald Drive, the Neighborhood Community Outreach representative for DMB, said she was present on behalf Roc Arnett, President and CEO of the East Valley Partnership, who was unable to attend this meeting. She read Mr. Arnett's letter of support dated September 4, 2008, into the record (a copy of this letter, in addition to 15 additional letters of support, 16 emails of support and 50 signatures on petitions of support provided by Ms. Donahoe are available for review in the City Clerk's Office).

Bryan Hubbard, 2650 South Willow Wood, advised that as a pilot, he was in support of the DMB project and development efforts in the Phoenix-Mesa Gateway Airport area. He expressed support for efforts that continue to protect the airport, and he stressed the fact that residents moving into the area should be notified of the close proximity of the airport.

Mayor Smith advised that the following individuals completed speaker/comment cards in support of the General Plan Amendment, but indicated that they did not wish to address the Council:

Barbara Drake, 7288 East San Cristobal Way, Gold Canyon
Thomas Whitley, 903 East Huber Street
Tracie Whitley, 903 East Huber Street
Carl Cole (no address provided)
De Bowles, 854 East Baylor Lane, Gilbert

There being no additional speakers, the Mayor declared the public hearing closed.

3b. Take action on the following resolution:

GPMajor08-01 (District 6) From Medium Density Residential (4-6 du/ac.), Community Commercial, Regional Commercial, Office, Business Park, Mixed Use Employment and Mixed Use Residential (30% at 15+ du/ac.) to Mixed Use/Community for approximately 3,600± acres just east of the Phoenix-Gateway Airport generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the south and Elliot Road to the north. DMB Mesa Proving Grounds (MPG) LLC, a Delaware limited liability company, Flood Control District of Maricopa County, Arizona State Land Department, owners; Grady Gammage, Jr. Esq., Gammage & Burnham PLC, applicant. *(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*

P&Z Recommendation: Adoption. (Vote: 5-0-1 with Boardmembers Salas absent and Coons abstaining).

Grady Gammage, Jr., Gammage & Burnham, addressed the Council on behalf of DMB, the applicant, and noted that the General Plan Amendment sets the vision for the project and is the first action before the Council. He displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an overview, and he noted that in addition to DMB, two other landowners are involved in this case, the Flood Control District of Maricopa County (a flood control channel runs through the property) and the Arizona State Land Department.

Mr. Gammage stated that the underlying factor of the planning process is the creation of jobs and how that can be accomplished. He said that the objective to create a distinctive regional urban center is somewhat different from the original vision that concentrated on a swath of industrial uses on the north part of the property. He noted that an attempt to create more jobs and higher paying jobs at an earlier point in time resulted in an approach referred to as "21st Century Desert Urbanism," which includes greater urban intensity and density, more offices, and recognition of the fact that the airport could become the center of an "aerotropolis." Mr. Gammage added that the zoning concept attempts to provide a flexible framework that will enable development to adapt to changes anticipated in the 21st century.

Mr. Gammage displayed a chart titled "The Plan" (see Attachment 1), which outlines the manner in which a "center of regional importance" is achieved. He said that two types of individuals would be targeted, executives and knowledge workers. He noted that the "hospitality" component of the plan has developed more quickly than anticipated and is likely to be the first development on the site. Mr. Gammage explained that the proposed General Plan Amendment changes the land use designation on the property to "Mixed Use/Community," which provides the opportunity for a Planned Community District (PCD). He noted that the response to their extensive community outreach has been overwhelmingly positive.

Mr. Gammage addressed the issue of jobs by noting that the City of Mesa presently has a 0.34 jobs per capita ratio and the current General Plan sets a goal of increasing that ratio to 0.64 jobs per capita. He reported that the projection for the Mesa Proving Grounds has a ratio in the range of 1.2 to 1.8, which indicates that there would be more jobs than people. Mr. Gammage referred to the "Employment Data" chart (see Attachment 2) and noted that although there are different methods of calculating job generation, a comparison utilizing Elliot Pollack's method (based on the number of buildings to be constructed and the number of jobs per square foot)

resulted in 41,000 jobs for the Proving Grounds site under the existing General Plan and 50,000 for the Proving Grounds under the proposed General Plan.

Mr. Gammage concluded his presentation and offered to answer any questions.

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that Resolution No. 9353 be adopted.

Planning Director John Wesley said that the State Statutes establish certain criteria for reviewing Major General Plan Amendments: 1) that the Amendment represents an overall improvement to the General Plan and 2) that the Amendment does not harm the City. He advised that staff's opinion is that the Amendment represents an improvement to the General Plan and provides greater synergy in the development area and that adoption of the Amendment would not harm the City. Mr. Wesley noted that the Amendment is accompanied by a project narrative, which would be referenced in the resolution. He added that the narrative details the goals for the area and would be utilized when future zoning cases for the property are considered.

Mayor Smith stated that the General Plan Amendment represents a major milestone that establishes a framework. He added there have been many exciting, new developments in the past few weeks, and he added that there are many opportunities and challenges ahead.

Mayor Smith called for the vote.

Carried unanimously.

4. Discuss, take public comment and take action on the following Major General Plan Amendment:

4a. Public Hearing on Major General Plan Amendment **GPMajor08-02 (District 6)**.

Mayor Smith announced that this is the time and place for a public hearing regarding Major General Plan Amendment **GPMajor08-02 (District 6)**.

There being no speakers, Mayor Smith declared the public hearing closed.

4b. Take action on the following resolution:

GPMajor08-02 (District 6) From Medium Density Residential (4-6 du/ac.), Community Commercial, Regional Commercial, Business Park, Mixed Use Employment and Light Industrial to Mixed Use/Community for approximately 1,699± acres just east of the Phoenix-Gateway Airport generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the north and Pecos Road to the south. Pacific Proving LLC/Andrew Cohn, owner; Beus Gilbert PLLC/Paul E. Gilbert, applicant.

P&Z Recommendation: Adoption. (Vote: 5-0-1 with Boardmembers Salas absent and Coons abstaining).

Paul Gilbert, Beus Gilbert, representing the applicant, stated that the subject General Plan Amendment is for property located in the southern area of the former General Motors Proving Grounds, and he advised that there has been coordination between this property owner and the

DMB development. Mr. Gilbert said that the applicant is requesting a Mixed Use Community designation in the proposed Amendment, but he noted that the project narrative and testimony presented at public hearings reflect the fact that future zoning applications would be for the same categories in the current General Plan Amendment, which were negotiated with staff, the Boeing Corporation and the Airport Authority in 2006.

Mr. Gilbert said the project has two components: 1) a suburban core north of the freeway, and 2) an employment core south of the freeway. He advised that the employment core would be a high-density, urban environment with mid-rise buildings and high-density employment uses. He added that the suburban core would include retail and commercial development. Mr. Gilbert noted that the applicant would honor their commitment with the City to make the 802 freeway corridor available on their property.

Councilmember Somers concurred with Mr. Gilbert's comments that there is tremendous support for the General Plan Amendment.

In response to questions from Councilmember Somers, Mr. Gilbert confirmed that the applicant would continue to honor their agreement with the Boeing Corporation, which stipulates that no residential development would occur south of the freeway. He stated that as a result of several meetings between the applicant and DMB and the fact that both parties attended the same neighborhood meetings, this development is expected to successfully integrate with the DMB proposal. Mr. Gilbert said that although they anticipate implementing creative uses similar to that of the DMB property, his client would like to maintain the flexibility to implement more traditional uses.

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that Resolution No. 9354 be adopted.

Planning Director John Wesley advised that staff concluded that this amendment represents an overall improvement to the Plan and meets the criteria. He added that the project narrative establishes the target for future development.

Responding to a question from Mayor Smith, Mr. Gilbert explained that Council adoption of the resolution for the General Plan Amendment includes the project narrative, which references the 2006 General Plan and provides protection for both the City and the applicant. He stated that the applicant would continue to honor their previous commitments and receive the benefits of the previous commitments.

Mr. Wesley concurred with the comments of Mr. Gilbert that Council adoption of the resolution would include the project narrative. He added that future zoning applications would have to be consistent with the narrative.

Mayor Smith said that this was an exciting project because a vision for these seven square miles now may become a reality, and he called for the vote.

Carried unanimously.

5. Take action on the following liquor license applications:

*5a. De La Cruz Bistro

New Restaurant License for De La Cruz Bistro, 10 W. Main Street, De La Cruz Bistro/ LLC – Silda Rosa De La Cruz, Agent. The previous Restaurant Liquor License held at this location by Posh Nosh, issued November 2, 2007, will revert back to the State (District 4).

*5b. Dooby's Grill Café

New Restaurant License for Dooby's Grill Café, 2909 S. Dobson Road, Suite #21, Dooby's Grill Café LLC – Lauren Kay Merrett, Agent. The previous Restaurant License held at this location by Jang Garden, issued July 17, 2006 will revert back to the State (District 3).

*5c. Red Koi Japanese Restaurant

New Restaurant License for Red Koi Japanese Restaurant, 5221 S. Power Road, Suite #A-104 & 105, Red Koi LLC – Jason Ha-Linh Quach, Agent. This is new construction with no previous liquor license at this location (District 6).

6. Take action on the following contracts:

*6a. Radio Frequency Identification (RFID) Project hardware, software and accessories for the Red Mountain Library (State Grants In Aid [SGIA] Partial Funding).

The Procurement Services Department recommends authorizing purchase from Maricopa County contract with 3M™ Library systems at \$239,324.45, including applicable use tax. Funding is available from State Grants in Aid (SGIA) Fund (\$22,000); Used Book Sale Fund (\$176,000); Library's Operational Budget (\$41,324.45).

*6b. Three-year supply contract for traffic control sign material & sign imaging for the Transportation Department, Field Operations.

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bidders as follows: Primary to Safeway Sign Co. at \$361,023.17 and secondary to Zumar Industries, Inc. at \$52,800.00, for a combined annual award of \$413,823.17, based on estimated requirements, including applicable use tax.

*6c. Purchase and installation of five (5) replacement storm water pumps for the Transportation Department, Field Operations (Districts 2, 3, 4 and 6).

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bidders as follows: Pumps purchase to James, Cooke and Hobson, Inc. at \$114,381.15 and pumps installation to Phoenix Pumps, Inc. at \$14,370.00, for a combined award of \$128,751.15, including applicable sales tax.

*6d. Purchase of one replacement ladder fire truck as requested by the Fire Department (Fire Bond Funded).

The Procurement Services Department recommends authorizing purchase from the Pierce Manufacturing Master Purchase Agreement through First In, Inc. at \$877,379.60, including applicable sales tax.

- *6e. Three-year supply contract for padlocks and keys for various City Departments (Utilities, Solid Waste, Facilities Maintenance, etc.).

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Clark Security Products at \$26,339.51 annually, based on estimated quantities, including applicable sales tax.

- *6f. Purchase of steel refuse containers (4, 6 and 8 cubic yard) for the Solid Waste Management Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Action Container Solutions at \$95,247.03 annually, based on estimated quantities, including applicable sales tax.

- *6g. **Deleted.**

- *6h. Amendment to the City's Site License for a Computerized Maintenance Management System (CMMS) and purchase of related Geographic Information System (GIS) infrastructure hardware and software for the Utilities Department (Gas, Water & Electric Divisions).

The Procurement Services Department recommends approval of an amendment to Mesa Contract #2006170 with Motorola, Inc. at \$243,112.50, and purchase of hardware and software from the State of Arizona Contracts with Hewlett-Packard Company at \$24,560.78 and Oracle Corporation at \$147,981.12, for a combined total of \$415,654.40, including applicable taxes.

- *6i. Kingsborough Park playground renovations, 2311 East Holmes Ave, City of Mesa Project No. 06-004-001 (**District 2**).

This project will remove and replace the existing park play area to meet the ADA requirements for accessibility.

Recommend award to the low bidder, Concast Corporation, in the amount of \$238,782.00 plus an additional \$23,878.20 (10% allowance for change orders) for a total award of \$262,660.20. Funding is available from the approved FY 08/09 Community Development Capital Program – CDBG Funds.

- *6j. Communication tower at Desert Well #14 Well Site, City of Mesa Project No. 07-058-001.

This project will install a new communication tower in the southeast part of the City to maintain Police and Fire Department communications. With new development in the southeast part of the City, the existing tower is too low to maintain a clear line of site for the signal to be maintained.

Recommend award to the low bidder, BCI Communications, Inc., in the amount of \$140,387.00 plus an additional \$14,038.70 (10% allowance for change orders) for a total award of \$154,425.70. Funding is available in the approved FY 08/09 Fire and Law Enforcement Capital Program.

7. Introduction of the following ordinances and setting October 6, 2008, as the date for the public hearing on these ordinances:

- *7a. **A08-08 (District 6)** Annexing land located south of Elliot Road between Ellsworth and Signal Butte Roads (3,137.43± ac.). Initiated by Grady Gammage, Jr. Esq., Gammage & Burnham PLC representing the property owner. **CONTINUED TO THE OCTOBER 6, 2008 REGULAR COUNCIL MEETING.**

- *7b. **Z08-55 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from Maricopa County Rural 43 with a Special Use Permit for a Proving Grounds to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner; City of Mesa, applicant. **CONTINUED TO THE OCTOBER 6, 2008 REGULAR COUNCIL MEETING.**

P&Z Recommendation: Approval with Conditions. (Vote: 4-0-1 with Boardmembers Roberts and Salas absent and Coons abstaining).

- *7c. **Z08-56 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from R1-43 to Planned Community District (PCD). This request will establish a Community Plan for a Mixed Use Community. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner/applicant. ***(Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **CONTINUED TO THE OCTOBER 6, 2008 REGULAR COUNCIL MEETING.**

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers Coons and Salas absent).

- *7d. Amending Section 9-6-4 of the Mesa City Code to allow alternative street lighting standards in portions of the proposed Mesa Proving Grounds project. **(District 6). CONTINUED TO THE OCTOBER 6, 2008 REGULAR COUNCIL MEETING.**

- *7e. **Z08-57 (District 6)** 6447 South Mountain Road. Northeast of the Pecos and Mountain Road Intersection. (13.48 ac.) Rezone from M-2 and AG to M-2 and Site Plan Review. This request is to allow development of a truck maintenance and operations facility. Jerome Stehly, owner; Doss, Allied Waste Transportation, Inc., applicant. ***(Notified property owners.)***

PHO Recommendation: Approval with Conditions.

8. Take action on the following resolutions:

- *8a. Vacating an alley located in the 1500 block of East 2nd Place – Resolution No. 9349 **(District 2)**.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8b. Vacating an alley located west of North Horne Street, between East 7th Street and East 7th Place – Resolution 9350 **(District 1)**.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8c. Approving and authorizing the City Manager to execute a Land Use License between the Central Arizona Project (C.A.P.) and the City of Mesa for the rights-of-way, construction, construction management, operation and maintenance of a 4-inch Polyethylene natural gas pipeline that is installed across the C.A.P. canal – Resolution No. 9351

- *8d. **Deleted.**

- *8e. **Deleted.**

- *8f. Approving and authorizing the City Manager to sign and submit an application to the Arizona Department of Water Resources to modify the City's designation of assured water supply – Resolution No. 9352.

9. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *9a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4882:

Prohibiting Left Turns From Driveways, 10-3-15 (B)

On the south side of Brown Road with centerline approximately 265 feet east of Ellsworth Road (Brown Road east of Ellsworth, District 5).

One-Way Streets, Alleys, and Driveways, 10-3-16(B):

The alley east of and parallel to Williams between Broadway Road and Elton Avenue (South of Broadway Road west of Gilbert Road, **District 4**).

The alley south of and parallel to 5th Avenue between Williams and Hall (South of Broadway Road west of Gilbert Road, **District 4**).

Special Stops Required, 10-3-17:

On Mountain Bridge Drive south of McKellips Road (Hawes Road alignment south of McKellips Road, **District 5**).

Speed Limits (45 mph) 10-4-3 and Speed Limits (35 mph) 10-4-5:

Decrease the speed limit from 45 mph to 35 mph on Pecos Road from Mountain Road to the east City limits (Pecos Road east of Signal Butte Road, **District 6**).

- 9b. Amending Chapter 17 of the Zoning Ordinance by revising existing definitions and requirements related to the placement of manufactured homes (maximum of 1,100 sq. ft.) within recreational vehicle parks and recreational vehicle subdivisions.

P&Z Recommendation: Approval. (Vote: 5-0-1 with Boardmember Mizner abstaining and Boardmember Salas absent).

DDC Recommendation: Approval. (Vote: 6-0).

David Udall, 30 West 1st Street, representing Palm Gardens Mobile Homes, addressed the Council in support of the proposed amendment to Chapter 17 of the Zoning Ordinance. He said that a request approximately 14 months ago for a variance to upgrade the existing housing stock resulted in a decision by staff that the property needed to be rezoned. Mr. Udall said that the application for a Special Use Permit at a maximum of 1,150 square feet resulted from many hours of negotiation. He noted that changing the ordinance to a maximum of 950 square feet would require a reintroduction of the ordinance and his client would miss the entire season. Mr. Udall said that the Special Use Permit provides the Fire Department an opportunity to consider factors related to the safety of the public. He added that the Manufacturing Housing Communities of Arizona are in support of the ordinance at 1,100 square feet, and he encouraged the Council to pass the ordinance.

Charles Huellmantel, P. O. Box 1833, Tempe, representing Silver Ridge, said he concurred with the comments made by Mr. Udall. He stated that he has been working with the City's Planning Department staff for almost two years in an attempt to improve the lifestyle of Silver Ridge residents. Mr. Huellmantel expressed the opinion that adopting the ordinance would enable updates to the housing stock.

Sean Lake, 1930 East Brown Road, representing the Thesman Community properties, expressed opposition to the proposed ordinance. He stated that the unintended consequences of this ordinance include allowing a recreational vehicle (RV) park to place a manufactured home on a lot with smaller setbacks than is allowed in the manufactured home parks owned by the Thesman Community. Mr. Lake requested that the ordinance be amended to establish the same setback requirements for all parks.

In responses to a question from Councilmember Richins, Mr. Lake noted that many RV parks have lots larger than 1,200 square feet.

Responding to comments from Mayor Smith, Mr. Lake noted that many RV parks are designed with larger lots that can accommodate larger homes. He said that his concern relates to the competitive advantage this ordinance would provide to RV parks by allowing smaller setbacks.

Carol Villard, 248 North Macdonald, #218, addressed the Council in opposition to the proposed ordinance. She stated the opinion that three-foot setbacks were inadequate and RV park owners are being allowed to place permanent residences on lots without adequate parking.

In response to a question from Councilmember Somers, Zoning/Civil Hearing Administrator Gordon Sheffield reviewed the chart (see Attachment 3) included in the proposed ordinance that outlines the lot sizes and setbacks for each type of development.

In response to a question from Mayor Smith, Mr. Sheffield confirmed that RV park lots are not owned by residents and that a RV subdivision resident may have the option to own the lot.

Responding to a series of questions from Councilmember Higgins, Mr. Sheffield stated that there was no restriction on the maximum size of a home in a manufactured home park. He stated that staff's philosophy in addressing codes is to develop codes that are based on the existing conditions rather than the exception. Mr. Sheffield noted that park owners attempt to maximize the density to increase their income.

Discussion ensued relative to the fact the 1,100 square foot limitation applies to both RV parks and RV subdivisions; that RV parks typically have an RV or a park model home; and that manufactured home parks are allowed to have RV's or manufactured homes.

It was moved by Councilmember Higgins, seconded by Councilmember Somers, that Ordinance No. 4884 be adopted.

Councilmember Somers noted that although concerns have been expressed that the proposed ordinance is not perfect, the changes would enable improvements to the housing stock.

Councilmember Kavanaugh commended staff for their efforts to make changes that would enable an improved housing stock. He added however that he would oppose the proposal because of concerns related to the unintended consequences of creating hybrid developments, and he stated the opinion that this area should be addressed in the context of the Zoning Code update.

Councilmember Richins expressed concurrence with the comments of Councilmember Kavanaugh, and he stated the opinion that this subject should be addressed in the Zoning Code update.

Councilmember Finter said that although he shared the concerns expressed by Councilmembers Kavanaugh and Richins, he would support the motion in an effort to address the issue of aging housing stock. He added that many of the issues raised by Mr. Lake should be addressed in the future.

Vice Mayor Jones noted that the Zoning Code update has been a long, ongoing process, and he expressed the opinion that the proposed ordinance is a good interim approach to improving the housing stock. He stated that he would support the motion.

Councilmember Somers commented that the quality of the new RV and manufactured home product lines has improved. He stated that although a comprehensive approach to this issue

may be preferable when addressing a vacant parcel of land, an incremental approach is necessary to address the existing housing stock.

Councilmember Higgins said that this ordinance requires an application for a Special Use Permit that also imposes certain upgrades to the entire park.

Mayor Smith explained that this ordinance establishes a framework for upgrading the housing stock. He stated that although he supports the concept, he prefers a 950 square foot limitation and therefore, he would vote in opposition to the motion.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES – Finter-Higgins-Jones-Somers
NAYS – Kavanaugh-Richins-Smith

Mayor Smith declared the motion carried by a majority vote and Ordinance No. 4884 adopted.

- *9c. **Z08-27 (District 6)** 8745 East Warner Road. Located west of Ellsworth Road and south of Warner Road (216± ac). Council Use Permit – Freeway Landmark Sign as part of the Entrada at the Santan Development Master Plan. Via West Properties, Steven Schwarz, owner; Jason Morris; Withey, Morris, PLC, applicant (**Consent Agenda: Approval of P&Z and DRB Recommendation for one (1) freeway landmark sign located at the 202 and Warner Road**) – Ordinance No. 4883.

P&Z Recommendation: Approval with Conditions for one (1) FLM sign. (Vote: 5-2 with Boardmembers Mizner and Roberts nay.)

DRB Recommendation: Approval with Conditions for one (1) FLM sign. (Vote: 5-0 with Boardmembers DiBella and Lambright absent.)

- 9d. **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the “Baseline Center” Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant; Stuart Rayburn, RCC Design Group, LLC, engineer. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**) **CONTINUED FROM THE AUGUST 25, 2008 CITY COUNCIL MEETING. (Consent Agenda: This case is being referred back to the Planning and Zoning Board.)**

P&Z Recommendation: Approval with conditions. (Vote: 7-0).

Paul Gilbert, 400 North Scottsdale Road, representing the applicant, said that after working on this case with the City of Mesa for two years, the case came forward with a staff recommendation for approval and a unanimous recommendation for approval by the Planning and Zoning Board (P&Z). He stated that one of the conditions for approval was that the

applicant enter into a development agreement with the City, and he advised that two issues remain unresolved following six meetings. Mr. Gilbert expressed the opinion that referring the case back to P&Z at this point in time was unfair. He noted that although concerns have been expressed regarding a small piece of adjoining property, roadways have been coordinated between the two properties and neither property presently has a site plan. Mr. Gilbert noted that the applicant has to return to the City for site plan approval. He requested a two-week continuance to enable negotiations to continue on the two unresolved areas of the development agreement.

Councilmember Richins noted that the current Mayor and Council are emphasizing "Building a Better Mesa," and he stated the opinion that the quality of the proposed development does not meet that standard. He added that he supports referring the case back to P&Z.

Mr. Gilbert stated that referring the case back to P&Z would not improve the quality. He noted that the quality would result from the design guidelines in the development agreement. Mr. Gilbert said the applicant wants a good quality product, and he added that the final site plan would reflect the changes included in the development agreement.

In response to a request from Mayor Smith, Planning Director John Wesley said that the case has been difficult because of the property divisions. He stated that the plan presently calls for more residential than is desired in a mixed use residential area. Mr. Wesley advised that that staff proposed stipulations to address the employment issues, and he noted that site plans are not required to accompany the zoning case. He added that referring the case back to P&Z enables both properties to be considered in the same timeframe.

In response to questions from Mayor Smith, Mr. Wesley stated that the General Plan designation for "mixed use residential" allows a maximum of thirty percent residential and that each parcel would be limited to a maximum of thirty percent. He said the goal has been to meet the current General Plan requirements.

Councilmember Somers thanked Mr. Gilbert for his efforts to negotiate an agreement. He explained that hearing both cases at the same time would be preferable because the rear parcel has no access to Baseline Road except through the other property. Councilmember Somers said that the potential exists for 1,000 apartments to be constructed on the property to the rear, which could result in serious traffic problems for the area. He also expressed concern that the development on both properties should be livable and sustainable. Councilmember Somers noted that when P&Z considered this case, several members expressed a preference to hear the cases for both parcels at the same time. He expressed support for referring the case back to P&Z in order to address the integration of the two properties, conformance with the General Plan and the issue of sustainability.

Councilmember Higgins noted that this is an excellent opportunity to put into practice the concept of "Building a Better Mesa."

Mayor Smith expressed concern about the process, and he asked Mr. Wesley to comment on the reasons why the cases were not considered jointly.

Mr. Wesley advised that staff initially suggested that both cases be considered jointly, but when the case for this property owner was submitted and met the requirements, the other applicant was not ready to move forward. He said that staff believed the access issues were resolved

through stipulations in the development agreement, but he noted that the case is coming forward as a completely residential development.

In response to a question from Mayor Smith, Mr. Wesley said that sending this case back to P&Z would provide a greater opportunity for both applicants to integrate the uses and enable greater access.

Mr. Gilbert expressed displeasure with the fact that there was no indication during the early stages of the negotiations that the case could be referred back to P&Z. He stated the opinion that the case meets all of the requirements of the General Plan. Mr. Gilbert said that action on the applicant's case should not be subject to the timing of an application from the other property owner, and he further stated that the City's existing ordinance entitles the applicant to come forward with the zoning case without a site plan. He noted that this is a difficult piece of property to develop with very poor access. Mr. Gilbert said that a court-ordered mandate requires a road to provide access for the other property and, as requested by staff, negotiations with the representatives of the other property owner resulted in an agreement to construct a second roadway. He added that the applicant has agreed to a series of design guidelines that limits the apartments that can be constructed on the site, and he expressed the opinion that the development agreement stipulates a high quality development.

Responding to a question from Mayor Smith regarding the alternatives, Mr. Wesley advised that a continuance for two weeks would enable the Council to consider the stipulations and design guidelines in the development agreement. He added that Council action to refer the case back to P&Z would enable the case to be discussed at the October 16th P&Z meeting, but if the case was continued to the October 6th Council meeting and then referred back to P&Z, the case would be delayed until the November P&Z meeting.

Mayor Smith noted that the Council's decision would have a long-term impact on the City of Mesa.

Councilmember Somers stated that he was unaware during the negotiations with Mr. Gilbert that the case for the other property would be coming forward.

Councilmember Finter expressed the opinion that P&Z has reviewed the case, and he stated that the applicant should not be penalized by referring the case back to P&Z. He noted that many of the details would be addressed during the site plan review and therefore, he would support a two-week continuance.

It was moved by Councilmember Higgins, seconded by Councilmember Somers, that Case 08-47 be referred back to the Planning and Zoning Board for further consideration.

Mayor Smith said he concurred with the comments of Councilmember Finter, and he stated the opinion that nothing would be accomplished by referring this case back to P&Z and therefore, he would oppose the motion in hopes that staff and the property owners could continue negotiations.

Vice Mayor Jones expressed support for a two-week continuance, and said that he would oppose the motion.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES – Higgins-Kavanaugh-Richins-Somers
NAYS – Finter-Jones-Smith

Mayor Smith declared the motion carried by a majority vote.

10. Take action on the following subdivision plats:

- *10a. "916 COMMERCE CENTER CONDOMINIUMS" (**District 4**) 916 East Baseline Road (north side) located north and west of Baseline Road and Stapley Drive. 4 M-1 industrial office condominiums (4.00 acres). DC 23, LLC, Clifford J. Cutler, managing member, RGA Properties, LLC; Clifford J. Cutler, managing member and CLOD, LLC, Clifford J. Cutler, managing member, owner; Robert E. Consoni, surveyor.
- *10b. "LANTANA AT MOUNTAIN BRIDGE" (**District 5**) 8711 East Mountain Bridge Drive (south side) located south and west of McKellips Road and Ellsworth Road. 123 R1-9 PAD single residence lots (36.84 ac.). Jeff Blandford, manager, Pinnacle Ridge Holdings, L.L.C., owner; Darrell Smith, Wood, Patel & Associates, Inc., engineer.

11. Items from citizens present.

Mark Yarbrough, 2427 South Spruce Street, addressed the Council in support of the "wave rider" amenity for the Rhodes Pool. He also provided a set of printed materials (a copy is available for review in the City Clerk's Office), and he urged the Council to make a decision regarding the Rhodes Pool so that construction could begin.

12. Adjournment.

Without objection, the meeting adjourned at 8:25 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 22nd day of September 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

baa
Attachments (3)